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December 11, 2019

Via ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1106
New York, New York 10007

**Re: Clinton Green North, LLC, et al v. Merchants Mutual Insurance Co.
and Judy Painting, Corp.
19 Civ. 3420 (LGS) (DCF)**

Dear Judge Schofield:

We represent defendant Merchants Mutual Insurance Co. ("Merchants"). Pursuant to Your Honor's September 6, 2019 [ECF. Doc. No. 50] and December 10, 2019 [ECF. Doc. No. 55] Orders and Individual Rules IV.A.2, we write on behalf of all parties to provide the Court with an update concerning the mediation and the status of fact discovery.

Plaintiffs filed this declaratory judgment action on April 17, 2019 [ECF. Doc. No. 1]; Merchants served its answer on June 25, 2019 [ECF. Doc. No. 25]; and Judy Painting Corp. filed its answer on August 7, 2019 [ECF. Doc. No. 43].

Although the parties participated in a two-day mediation on October 2, 2019 and November 20, 2019 in an effort to achieve a global settlement, this action and the underlying Tibor Kiss personal injury action could not be resolved [ECF. Doc. No. 54].

With respect to the status of discovery, on October 25, 2019, Plaintiffs responded to Merchants' First Request for Production of Documents by providing approximately 170 pages. The parties also completed the deposition of Zoltan Mihalyi, the President of Judy Painting, on November 11, 2019. Plaintiffs' counsel, Timothy Parlin, Esq. has agreed to an extension of time through January 6, 2020 for Merchants to respond to Plaintiffs' October 15, 2019 First Request for Production of Documents and First Set of Interrogatories. We anticipate producing Merchants' responses, including an estimated 550 pages in documents, before the deadline.

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The September 6, 2019 Civil Case Management Plan and Scheduling Order directed that depositions be completed by December 31, 2019 and that all factual discovery be completed by January 31, 2020. The parties jointly request an extension to permit the completion of depositions and fact discovery by no later than February 14, 2020. This is the parties' first request for an extension of time to complete fact discovery. The parties are in agreement that no additional parties need to be joined in this action.

We thank the Court for its consideration.

Respectfully submitted


JOSHUA C. ZIMRING

JCZ:4825-0033-5534

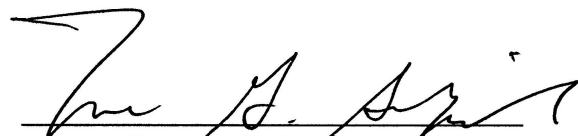
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Via ECF

Timothy Parlin, Esq.

Thomas Luz, Esq.

Application GRANTED. The deadline for completion of fact discovery is hereby extended from January 31, 2020, to February 14, 2020. No further extension will be granted absent extraordinary circumstances. An amended case management plan and scheduling order will issue separately. SO ORDERED.
Dated: December 12, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE